

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DENNIS MCLAIN, as Personal Representative  
of the ESTATE OF ANTHONY GILHOUSE,

Plaintiff,

Case No. 04-73744

v.

District Judge Nancy G. Edmunds  
Magistrate Judge R. Steven Whalen

SECURECARE, INC., et al.,

Defendants.

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**ORDER GRANTING MOTION TO COMPEL AND  
FOR PROTECTIVE ORDER**

Before the Court is Plaintiff's Motion to Compel Production of Documents from Defendant SecureCare [Docket #69] and Defendant SecureCare's Motion for Protective Order [Docket #79]. For the reasons stated on the record on January 18, 2006, both motions are granted, as follows:

1. Defendant shall produce the personnel files of each SecureCare employee named individually as a Defendant in this case. The files may be redacted to exclude any personal information such as telephone numbers, Social Security numbers, information about family members. The parties may agree on further redactions, reserving the option of seeking this Court's resolution of any disagreements as to what information should be redacted beyond

what is set forth in this Order.

2. Defendant shall produce all other documents in its possession or control that are responsive to Plaintiff's Request to Produce Directed to Defendant SecureCare dated June 7, 2005, including SecureCare policy and procedure manuals and guidelines for treating asthma patients.

3. These documents will be produced within 14 days of the date of this Order.

4. All documents produced pursuant to this Order will be designated confidential, and will be subject to the Protective Order set forth below.

### **PROTECTIVE ORDER**

1. All confidential material produced or exchanged pursuant to this Order shall be used solely for the purpose of this litigation. No other use is permitted.

2. Confidential material produced pursuant to this Order shall be disclosed only to the Plaintiff's attorneys of record, including clerical personnel, paralegals and contract personnel working on this case; the FIA, its clients, and respective co-Defendants, including counsel for co-Defendants; any independent experts or any other person whose assistance is required in conducting this litigation.

3. Upon the termination of the present lawsuit, including any appeals, all copies produced pursuant to this Order shall be forwarded to Defendant's legal counsel within 35 days.

4. A party who chooses to use this confidential material during pretrial proceedings, including depositions, must make reference to the confidentiality of such material prior to

its use. In addition, the Defendants may request that any confidential information covered by this Order and produced as exhibits, and any portions of transcript referencing said confidential material, be filed under seal with the Court and accorded confidential treatment pursuant to the terms of this Order.

5. Any confidential material produced pursuant to this Order and deposited with the Court shall be filed in an envelope bearing the following designation:

**CONFIDENTIAL**

**IN ACCORDANCE WITH THE PROTECTIVE ORDER OF THE COURT, THE CONTENTS OF THIS ENVELOPE SHALL BE TREATED AS CONFIDENTIAL AND MUST NOT BE SHOWN TO ANY PERSON OTHER THAN THE ATTORNEYS IN THIS CASE. ALL DOCUMENTS PRODUCED SUBJECT TO THIS ORDER SHALL BE RETURNED AT THE CLOSE OF LITIGATION.**

6. The parties shall exercise reasonable care not to needlessly disclose confidential material in the public record of this proceeding.

7. The procedures for protecting confidential material at trial shall be arrived at separately by the parties in advance of the trial.

8. The foregoing restrictions shall not apply to information for which, prior to disclosure, it can be shown by tangible evidence that the information:

(A) Was, is or has become public knowledge independent of any conduct by the parties which would be proscribed by this Order;

(B) Was acquired from a third party lawfully in possession of such information and having no prior obligation to Defendants; or

( C ) Was lawfully possessed by the person prior to discovery in this action.

SO ORDERED.

S/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: January 19, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on January 19, 2006.

S/Gina Wilson  
Judicial Assistant